

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 74579

Mark N. Koehler  
Irene M. Koehler  
34 Heartwood Court  
Parkville, MD 21234

2817 Linwood Avenue

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on April 27, 2010, for a Hearing on a citation for violations of the Baltimore County Zoning Regulations (BCZR) section 1B01.1D; Baltimore County Code (BCC) section 13-7-115, 310, 312, failure to remove junk, trash and debris, failure to eliminate open dump conditions on residential property zoned DR 5.5 known as 2817 Linwood Avenue, 21234.

On April 8, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Jeffrey Radcliffe issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,000.00 (two thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on March 21, 2010 for removal of open dump/junk yard, remove junk, trash and debris from this residential property. This Citation was issued on April 8, 2010.

B. Photographs in the file show large quantities of discarded household items, furniture, yard waste, bagged trash and garbage, and other junk, trash and debris in the yard and on the porch of this single family house. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

C. Court records show this property is in foreclosure proceedings. Notes in the file from Inspector Jeff Radcliffe state that the property is vacant. Re-inspection on April 26, 2010 found the property mostly cleaned up but some junk and debris remains. Photographs show at least one pile of junk and debris, and yard waste.

D. Because the violations have been partially corrected, and because compliance is the goal of code enforcement, the civil penalty will be rescinded if the remaining violations are corrected within the time provided below. If the violations are not corrected, the County will be authorized to remove the remaining junk, trash and debris, at the property owner's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$250.00 (two hundred fifty dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by May 18, 2010.

IT IS FURTHER ORDERED that after May 18, 2010, the County may enter the property for the purpose of removing all junk, trash, and debris, at the property owner's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 4<sup>th</sup> day of May 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer